

JAN 10 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Hauck	)	Art Unit: 3634
	)	
Serial No.: 10/653,304	)	Examiner: Johnson
	)	
Filed: September 2, 2003	)	1006-24.CIP
	)	
For: <b>SYSTEM AND METHOD FOR CONTROLLING A</b>	)	January 10, 2005
<b>MOTORIZED WINDOW COVERING</b>	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

The following remarks are submitted in response to the Office Action dated December 8, 2004. Claims 7 and 11-14 have been rejected under 35 U.S.C. §102 as being anticipated by Nemirofsky et al., USPP 2004/0117254, relying on paragraph [0041], while Claims 1-6 and 16-19 have been rejected under 35 U.S.C. §103 as being unpatentable over Kovach et al. (USPN 6,369,530) in view of Japanese '028 and further in view of Nemirofsky et al. Claim 15 has been rejected as being unpatentable over Kovach et al. in view of Japanese '028, and Claims 7-14 have been rejected as being unpatentable over Japanese '028 in view of Nemirofsky et al.

The rejections based on Nemirofsky et al. are all predicated on an example of the examiner's sense of humor. Specifically, all are predicated on the allegation that paragraph [0041] uses a visible light beam "with a blink rate of 0.25 seconds", when in fact Nemirofsky et al. is referring to the *blink reflex of the*

1006-24C.AMD

CASE NO.: 1006-24.CIP  
Serial No.: 10/653,304  
January 10, 2005  
Page 2

PATENT  
Filed: September 2, 2003

*human eye*. More specifically, paragraph [0041] of Nemirofsky et al. discloses that its laser is a Class II laser pointer that purportedly is "safe per FDA [meaning Food and Drug Administration] assuming 0.25 second blink *reflex*" (emphasis mine). Thus, although amusing, all rejections based on the misconception that Nemirofsky et al. teaches a blinking laser, which does not have reflexes, in contrast to a teaching of a blink reflex of a human eye, must fall.

Applicant would also like to make of record the argument regarding Japanese '028, which appears to teach a remote control for a TV, that the present claims are not directed to a "remote control system" in a vacuum. They are directed to a specific type of remote control system, namely, one that is configured for operating a window covering. With this in mind, the relevant field is window blind remote control systems. It is simply unfair and unrealistic to impute to the skilled artisan in the claimed field comprehensive knowledge of the entire genre of remote control systems.

Regardless, the combination of Japanese '028 with Kovach et al. is without prior art support. Nowhere does Japanese '028 evidently mention window coverings at all, so it cannot be used as the requisite prior art suggestion to combine it with a window covering system. Nowhere has it been alleged that Kovach et al. suggest using more than a single encoded IR beam to activate its window covering. Nowhere has it been alleged that Kovach et al. suggests or otherwise mentions the possibility of signal cross-talk between window coverings. Since the proffered rationale to combine consequently is without prior art support, the proposed combination is improper, see MPEP §2143.


The examiner is cordially invited to call the undersigned at 619.338.8075 for any reason that would advance the instant application to allowance.

1006-24C.AMD

CASE NO.: 1006-24.CIP  
Serial No.: 10/653,304  
January 10, 2005  
Page 3

PATENT  
Filed: September 2, 2003

Respectfully submitted,

  
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John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

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1006-24C.AMD